IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WP(C).No. 7686 of 2007(M)

PETITIONER:

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1. BIJU, S/O.OUSEPH, AGED 32 YEARS,
   PARIYARAM P.O., NEAR CHALAKUDY-680 721,
   THRISSUR DIST. (NOW EMPLOYED IN SAUDI ARABIA).

2. JISA MARIA, D/O.JOHNSON AND W/O.BIJU,
   AGED 25 YEARS, PARIYARAM P.O.,
   NEAR CHALAKUDY-680 721, THRISSUR DIST,
   (NOW EMPLOYED AS STAFF NURSE AT MEDICAL TRUST
   HOSPITAL AT ERNAKULAM).

BY ADV. SRI.M.H.HANIL KUMAR

RESPONDENTS:

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1. MARRIAGE OFFICER (SUB REGISTRAR),
   OFFICE OF THE SUB REGISTRAR,
   CHALAKUDY, THRISSUR DIST.

2. STATE OF KERALA, REPRESENTED BY
   THE CHIEF SECRETARY, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. I.V PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 7686 of 2007(M)

APPENDIX

PETITIONERS' EXHIBITS:

EXHIBIT.P1: TRUE COPY OF MARRIAGE CERTIFICATE DATED 28.2.2007, ISSUED FROM CHURCH

EXHIBIT.P2: TRUE COPY OF PHOTOGRAPH OF THE MARRIAGE OF THE PETITIONERS

EXHIBIT.P3: TRUE COPY OF THE APPLICATION FOR REGISTRATION OF MARRIAGE DATED 3.3.2007

EXHIBIT.P4: TRUE COPY OF RECEIPT DATED 3.3.2007

EXHIBIT.P5: TRUE COPY OF RELEVANT PAGES OF PASSPORT OF 1ST PETITIONER

EXHIBIT.P6: TRUE COPY OF RELEVANT PAGES OF PASSPORT OF 2ND PETITIONER

EXHIBIT.P7: TRUE COPY OF AIR TICKET ISSUED BY SAUDI ARABIAN AIRLINES

EXHIBIT.P8: TRUE COPY OF REPRESENTATION SUBMITTED TO 1ST RESPONDENT DATED 4.3.2007.

/TRUE COPY/

P.A. TO JUDGE

THOTTATHIL B. RADHAKRISHNAN, J.

W.P.(C)No. 7686 OF 2007 - M

Dated this the 7th day of March, 2007

J U D G M E N T

The petitioners were married as per Christian customary rights and cohabited for one month. Thereafter, the Church issued certificate of their marriage. On the strength of such certificate, they have applied for registration of the marriage under the Special Marriage Act. The 1st petitioner is employed in Saudi Arabia stated to be in military service. The 2nd petitioner is a nurse. She aspires to join her husband for better prospects.

2. Under such circumstances, the facts discloses an exceptional situation, hence it is directed that the application for registration of the marriage of the petitioners under the Special Marriage Act shall be taken up and considered by waiving notice period of 30 days and their marriage shall be registered provisionally and notified in the notice board of the 1st respondent for 30 days and there are any valid objections, the marriage could be annulled with notice to them. Petitioners will

be issued marriage certificate on registration. This writ petition is disposed of with aforesaid directions.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

ma

KURIAN JOSEPH, J.

O.P.No.16566/1997

J U D G M E N T

7.12.2006